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Atty. Doc. No. 2002P02987WOUS

REMARKS

Claims 6-13, 15, and 16 are pending in the application. All of these claims are rejected under 35 USC 102(e) as anticipated by Hartikainen et al. (U.S. 6,298,377). No amendments are made herein. Claims 6-13, 15, and 16 are presented for examination.

Response to rejections under Section 102:

Examiner asserts as follows: "Hartikainen et al. teach an acquisition unit (i.e. device agent with PC 6) remote from at least one of the stationary power stations for collecting measurement data detected by sensors in the power stations (i.e. field devices in plants)." However, the terms "power station" and "power" are not found in Hartikainen, so Applicant must resort to "plant". The term "plant" is defined in Hartikainen as "factory" (col. 1, line 27). Figures 1 and 2 of Hartikainen each illustrate a single factory with multiple "field devices" such as the valves 14-16 of FIG 1. Examiner cites Hartikainen's "sensors in power stations (i.e. field devices in plants)", but then refers to the field devices themselves as power stations on page 3 of the office action: "Hartikainen et al. further teach diagnosing a plurality of remote stationary power stations (i.e. plurality of intelligent field devices)". The proposed correspondence of Hartikainen's field devices with power stations is a strained and inconsistent interpretation of Hartikainen. However Applicant will overcome the present rejections with respect to both of the Examiner's interpretations of a "power station" element in Hartikainen.

The PC 6 cited by Examiner appears in FIG 1 as part of a maintenance management system 10 within a factory. This maintenance management system 10 is clearly local to the valves 14-16, since the valve controllers 14A-15A are included within the circle 10 of the maintenance management system. Furthermore, all of the elements, 6, 9, and 14A-16A, of the maintenance management system 10 are interconnected by wires (col. 4, line 67 to col. 5, line 5) of a field bus. A hard-wired field bus requires all connected elements to be local to one site or factory.

In the present application, the term "remote" clearly means "off site" or "at different sites". For example on Applicant's page 4 lines 4-8: "The invention is here based on the consideration that a diagnostics system can be particularly versatile to use when the data that it

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collects and determines relating to one or more technical installations can be retrieved from almost anywhere in the world so that an expert entrusted with the assessment of operating states of a technical installation is not tied to a location and in particular need not be located at the site of the technical installation." A data acquisition unit remote from the power station, as in independent claim 6, is not possible when it is connected to field devices by a hard-wired field bus as in Hartikainen. Therefore, Hartikainen cannot produce Applicant's invention. Furthermore Hartikainen teaches away from Applicant's invention by consistently teaching wired field bus interconnections as shown and described for FIG 1 and as described for FIG 2 (col. 6, lines 11-15). For these reasons, the data acquisition unit of Hartikainen (PC 6 of FIG 1, or Device Agent 22_N of FIG 2) cannot be located off-site from the field devices, regardless of whether the field devices are considered power stations or merely sensors in a power station.

Applicant's independent claim 12 recites topography as in Applicant's FIG 2, in which key elements of the system -- a data acquisition and memory unit, and a diagnostics unit -- each have a server, and each obtains data from a plurality of remote power stations via the internet. This topography is not shown or described in Hartikainen, and could not be produced by Hartikainen, and therefore the rejection under 35 USC 102 is not supported by the art.

The elements of Applicant's dependent claims 7, 10, and 11 are not specifically found in Hartikainen, who describes HTML page generation and transmission mostly in general terms. See Hartikainen col. 7 lines 16-53. The remaining dependent claims 8, 9, 13, 15, 16 should be allowable as depending from an allowable base claim.

Conclusion

Hartikainen does not teach every aspect of the claimed invention, could not produce the claimed invention, and teaches away from the claimed invention, as argued above. Accordingly, his disclosure does not support a rejection under 35 USC 102 as required by MPEP 706.02(a) IV:

"... for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present."


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The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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By: 
John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830